

RECEIVED

MAY 17 2000

DOCKET FILE COPY ORIGINAL

Janet Roelofsen
PRESIDENT
BOARD OF DIRECTORS

Lawrence L. Furney
DIRECTOR

Cheryl DeWitt
BUSINESS MANAGER

FCC MAIL ROOM

Northeast Educational Services Cooperative

- P.O. Box 327
- 605-783-3607
- Hayti, South Dakota 57241
- Fax Number 605-783-3259

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Room TW - A325
Washington, DC 20554

Dear Secretary,

MEMBER DISTRICTS

- Arlington #38-1
- Britton #45-1
- Castlewood #28-1
- Clark #12-2
- De Smet #38-2
- Deubrook #5-6
- Deuel #19-4
- Elkton #5-3
- Enemy Swim Day School
- Estelline #28-2
- Florence #14-1
- Grant-Deuel #25-3
- Hamlin #28-3
- Henry #14-2
- Lake Preston #38-3
- Rosholt #54-4
- Sioux Valley #5-5
- Sisseton #54-9
- South Shore #14-3
- Summit #54-6
- Veblen #45-3
- Waubay #18-3
- Waverly #14-5
- Willow Lake #12-3
- Wilmot #54-7

The purpose of this letter is to request a review on behalf of the Northeast Educational Services Cooperative, NESC, concerning the decision on Appeal, as enclosed, by the Schools and Libraries Division (SLD). This is in reference to our funding request number 283448 and FCC Docket numbers 97-21 and 96-45.

Enclosed items include our Letter of Appeal and one item of additional information requested by SLD. Those items document the basis of our appeal.

Apparently the educational relevance of the cell phones used in these students' transportation is not understood. As a result please consider the following additional information:

The Northeast Educational Services Cooperative is a consortium of 25 school districts with a total enrollment of 9,000 students geographically spread over eight counties in South Dakota. The Cell phones in question are in cars that are used to transport students with severe disabilities (in many cases the students are medically fragile) between school districts on a daily basis. The daily transportation need occurs because the schools only have one or two students with these levels of disabilities. This system allows us to group the students in central locations to provide their appropriate education and be able to return them to their family each evening. The phones are in the cars for emergency weather or medical situations. The alternative for these children would be to place them in out of district placement where they would only be with their families on some weekends. Frankly, if these cell phones are not being used to provide educational benefits to these students, we do not understand.

Thank you for your consideration of our request for review.

Sincerely,



Lawrence L. Furney, Director
Northeast Educational Services Cooperative

No. of Copies rec'd 0
List A B C D E

RECEIVED

MAY 17 2000

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

FCC MAIL ROOM

SCHOOLS AND LIBRARIES DIVISION

Box 125 – Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

Administrator's Decision on Appeal - Funding Year 1999-2000

May 2, 2000

Lawrence L. Furney
Northeast Ed. Service Co-op
P. O. Box 327
Hayti, SD 57241

Re: Billed Entity Number: 134138
 Application Number: 144429
 Funding Request Number(s): 283448
 Your Correspondence Dated: 11/3/99

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number.

Funding Request Number: 283448
Decision on Appeal: Denied in full

Denial Reason(s):

- More than 30% of this request is for cellular service to be used in the transportation of students. This is not an eligible use of this service. In accordance to program rules cellular service must be used to provide an educational benefit to the students in order to be eligible for a discount. Therefore a discount will not be provided for this service.

If you feel further examination of your application is in order; you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, SW, Room TW-

A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

You should now move ahead, if you haven't already done so, with your Form 486 and related post-commitment arrangements for services for which funds have been committed and services have begun to flow. We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Janet Roelofsen
PRESIDENT
BOARD OF DIRECTORS

Lawrence L. Furney
DIRECTOR

Cheryl DeWitt
BUSINESS MANAGER

MEMBER DISTRICTS

- Arlington #38-1
- Britton #45-1
- Castlewood #28-1
- Clark #12-2
- De Smet #38-2
- Deubrook #5-6
- Deuel #19-4
- Elkton #5-3
- Enemy Swim Day School
- Estelline #28-2
- Florence #14-1
- Grant-Deuel #25-3
- Hamlin #28-3
- Henry #14-2
- Lake Preston #38-3
- Rosholt #54-4
- Sioux Valley #5-5
- Sisseton #54-9
- South Shore #14-3
- Summit #54-6
- Veblen #45-3
- Waubay #18-3
- Waverly #14-5
- Willow Lake #12-3
- Willmot #54-7

Northeast Educational Services Cooperative

RECEIVED

MAY 17 2000

FCC MAIL ROOM

November 3, 1999

• 605-783-3607 • Hayti, South Dakota 57241
• Fax Number 605-783-3259

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

TO WHOM IT MAY CONCERN:

The purpose of this letter is to file an appeal of the denial of E-rate funding based on the following information.

Contact: Lawrence L. Furney, Director
Agency: Northeast Educational Services Cooperative
Address: P.O. Box 327
Hayti, SD 57241-0327
Telephone: 605-783-3607
FAX: 605-783-3259

Application Number: 144429
Billed Entity Number: 134128
Funding Request Number: 0000283448
SPIN: 143000896
Funding Status: Unfunded or Denied
Explanation: The service / product requested is not being used in accordance with program rules.

Rationale: The purpose of this request is for cellular phone use. The cellular phones involved are used by special education service providers (occupational therapists, physical therapists, early childhood instructors, administrators, and student transportation staff) to facilitate communication as they travel between school districts to meet the educational needs of students with disabilities. The service

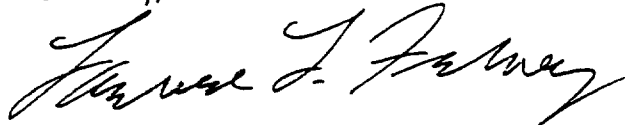
providers are responsible for the provision of services in 25 school districts in rural South Dakota. As staff transport students including those that are medically fragile, and considering winter weather conditions, the cellular phones also provide security.

The cellular phone use is no different than regular phone use except that it is done from vehicles. This is obviously cost effective as it makes efficient use of travel time because of schedule changes, and provides for effective communication. These phones are definitely used for educational purposes.

If you require additional information concerning the use of these phones please contact me.

We will sincerely appreciate your consideration of this appeal and funding of our request. If this funding request cannot be approved we will appreciate receiving a copy of the rules on which the request is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence L. Furney". The signature is fluid and cursive, with the first name "Lawrence" being more prominent than the last name "Furney".

Lawrence L. Furney
Director, NESC

LLF/ss

Janet Roelofsen
PRESIDENT
BOARD OF DIRECTORS

Lawrence L. Furney
DIRECTOR

Cheryl DeWitt
BUSINESS MANAGER

Northeast Educational Services Cooperative

• P.O. Box 327 • 605-783-3607 • Hayti, South Dakota 57241
• Fax Number 605-783-3259

RECEIVED

March 2, 2000

MAY 17 2000

FCC MAIL ROOM

Schools and Libraries Corporation
Attention: Muhammed

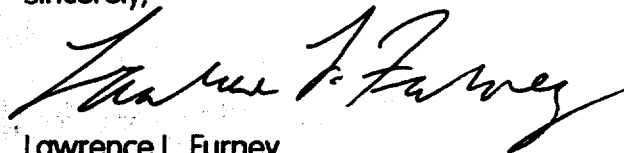
MEMBER DISTRICTS

- Arlington #38-1
- Britton #45-1
- Castlewood #28-1
- Clark #12-2
- De Smet #38-2
- Deubrook #5-6
- Deuel #19-4
- Elkton #5-3
- Enemy Swim Day School
- Estelline #28-2
- Florence #14-1
- Grant-Deuel #25-3
- Hamlin #28-3
- Henry #14-2
- Lake Preston #38-3
- Rosholt #54-4
- Sioux Valley #5-5
- Sisseton #54-9
- South Shore #14-3
- Summit #54-6
- Veblen #45-3
- Waubay #18-3
- Waverly #14-5
- Willow Lake #12-3
- Wilmot #54-7

Thank you for your call concerning the use of cellular phones by the Northeast Educational Services Cooperative (NESC) staff. NESC provides special education services to students in 25 rural school districts in Northeastern South Dakota.

The cellular phones are used by staff providing transportation between school districts to students with disabilities. The goal of our program is to provide the students with quality educational services and be able to return them to their homes at the end of the school day. The phones are necessary because in some cases the students are medically fragile, inclement weather is a possibility, and vehicle breakdowns also do occur. Specifically, six of the phones are used on a daily basis as explained above. The other seven phones are used for the same purposes on a regular basis but not daily. All phones, also, provide for direct communication between staff members including a direct link to administrative and emergency personnel.

Sincerely,



Lawrence L. Furney
Director, NESC

LLF/ss